

**Security Council**

Sixty-third year

Provisional

**6012<sup>th</sup>** meeting

Thursday, 6 November 2008, 12.40 p.m.

New York

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|-------------------|------------------------------------------------------------|-------------------------|
| <i>President:</i> | Mr. Urbina .....                                           | (Costa Rica)            |
| <i>Members:</i>   | Belgium .....                                              | Mr. Belle               |
|                   | Burkina Faso .....                                         | Mr. Tiendrébéogo        |
|                   | China .....                                                | Mr. Liu Zhenmin         |
|                   | Croatia .....                                              | Mr. Jurica              |
|                   | France .....                                               | Mr. De Rivière          |
|                   | Indonesia .....                                            | Mr. Natalegawa          |
|                   | Italy .....                                                | Mr. Terzi di Sant'Agata |
|                   | Libyan Arab Jamahiriya .....                               | Mr. Ettalhi             |
|                   | Panama .....                                               | Mr. Suescum             |
|                   | Russian Federation .....                                   | Mr. Rogachev            |
|                   | South Africa .....                                         | Mr. Kumalo              |
|                   | United Kingdom of Great Britain and Northern Ireland . . . | Sir John Sawers         |
|                   | United States of America .....                             | Ms. DiCarlo             |
|                   | Viet Nam .....                                             | Mr. Le Luong Minh       |

**Agenda**

Election of five members of the International Court of Justice (S/2008/502,  
S/2008/503 and Add.1 and 2 and S/2008/504)

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*The meeting was called to order at 12.40 p.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)**

**The President** (*spoke in Spanish*): In accordance with Article 11 of the Statute of the International Court of Justice, the Council will now hold a second meeting to elect a member of the International Court of Justice through a new vote, in order to fill the remaining position.

*At the invitation of the President, Mr. Zhou Yong (China) and Mr. Van Kemseke (Belgium) acted as tellers.*

**The President** (*spoke in Spanish*): I understand that the Council is now ready to proceed to the vote.

It is so decided. I ask the conference officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

I remind the Council members that they can only vote for the candidates whose names appear on the ballots and that ballots that contain votes for more than one candidate will be considered invalid.

\* \* \*

**The President** (*spoke in Spanish*): I take it that all members of the Council have now marked their ballots. I ask the conference officer to collect the ballot papers.

\* \* \*

**The President** (*spoke in Spanish*): All the ballot papers have been collected, and we will now proceed to count the votes in the Security Council.

I understand that the President of the General Assembly has proposed that the Assembly suspend its meeting in order to proceed to the counting of the votes from the second round of voting.

I propose, with the consent of the Council, to suspend this meeting until 12.55 p.m. If there are no objections, I shall take it that the Council agrees.

*The meeting was suspended at 12.50 p.m. and resumed at 1.10 p.m.*

**The President** (*spoke in Spanish*): I wish to inform the Security Council that one candidate obtained a majority in the Council's second vote.

I have been informed that, in the second vote in the General Assembly, no candidate has obtained an absolute majority. The President of the Assembly has proposed that the Assembly meet again at 3 p.m., when a third round of voting will take place in the Assembly.

Given that the Assembly will have to carry out a new vote, I propose that the Council proceed in the same fashion and resume this meeting at 3.30 p.m. since the Council does not need to carry out a third round of voting until the General Assembly has a candidate who has obtained a majority.

The President of the General Assembly will inform me of the candidate who has obtained a majority in the Assembly. If it is the same candidate who obtained a majority in the Council's second round of voting, that candidate will have been elected.

If the candidate who obtains the majority in the General Assembly is different from the candidate who obtained a majority in the Security Council, both the Council and Assembly will vote again.

We must wait for a candidate to obtain a majority in the Assembly and for the President of the Assembly to inform me of that fact. I will then see if it is the same person or not, and at that time we will decide on a course of action.

If the members of the Council agree, we will reconvene at 3.30 p.m. I see no objection.

It is so decided.

*The meeting was suspended at 1.15 p.m. and resumed at 3.45 p.m.*

**The President** (*spoke in Spanish*): As members of the Security Council will recall, the President of the General Assembly proposed that the Assembly reconvene at 3 p.m. in order to conduct a third ballot to fill the remaining one vacancy for the International Court of Justice. I have been informed that the ballots in the Assembly have now been counted, that once again no candidate has received an absolute majority and that the Assembly will now proceed to a fourth ballot. Members will also recall that, in the second

ballot in the Security Council this morning, one candidate for the remaining one vacancy received an absolute majority. Accordingly, the Council is not required to conduct a further ballot at this time.

I propose that, with the consent of Council members, we suspend the meeting until 4.15 p.m. to await the results of the fourth ballot in the General Assembly.

There being no objection, it is so decided.

*The meeting was suspended at 3.50 p.m. and resumed at 6 p.m.*

**The President** (*spoke in Spanish*): As members of the Council will recall, the General Assembly conducted a fourth ballot to fill the remaining one vacancy for the International Court of Justice. I have been informed that, in the General Assembly, the representative of the Democratic Republic of the Congo informed the Assembly that his national group had decided to withdraw its nomination of Mr. Sayeman Bula-Bula as a candidate for membership of the Court. Since Mr. Bula-Bula had been nominated only by the national group of the Democratic Republic of the Congo, his name was not included in the fourth ballot conducted by the General Assembly.

I have been informed that the votes have been counted in the General Assembly and that one candidate has obtained an absolute majority.

Members of the Council will recall that in the second ballot in the Security Council this morning, one candidate for the remaining one vacancy received an absolute majority. The result of the second ballot is as follows:

|                                   |    |
|-----------------------------------|----|
| <i>Number of ballot papers:</i>   | 15 |
| <i>Number of invalid ballots:</i> | 0  |
| <i>Number of valid ballots:</i>   | 15 |
| <i>Required majority:</i>         | 8  |

*Number of votes obtained:*

|                              |   |
|------------------------------|---|
| Mr. Sayeman Bula-Bula        | 0 |
| Ms. Miriam Defensor-Santiago | 2 |
| Mr. Maurice Kamto            | 5 |
| Mr. Abdulgawi Ahmed Yusuf    | 8 |

Accordingly, Mr. Abdulqawi Ahmed Yusuf has received the required majority of votes in the Security Council and I have communicated the result of the vote to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that at the 40th plenary meeting of the General Assembly, which was held today for the purpose of electing five members of the International Court of Justice, the following candidate received the required majority of votes in the General Assembly: Mr. Abdulgawi Ahmed Yusuf."

As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Abdulgawi Ahmed Yusuf has been elected a member of the International Court of Justice for a term of office of nine years, beginning on 6 February 2009.

On behalf of the Security Council, I should like to congratulate the five candidates elected today — Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood and Mr. Abdulqawi Ahmed Yusuf — and to wish them every success in the high office to which they have been elected.

Also on behalf of the Council, I would like to thank the tellers for their assistance in the conduct of the elections.

The Security Council has thus concluded its consideration of the item on its agenda.

*The meeting rose at 6.10 p.m.*